

KD Christian Construction Company, Inc. and Carpenters District Council of Kansas City & Vicinity. Case 17-CA-16761

October 28, 1994

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS STEPHENS, DEVANEY, AND
BROWNING

On September 30, 1993, the National Labor Relations Board issued a Decision and Order¹ in this proceeding in which the Board ordered the Respondent, inter alia, to make all contractually required payments to fringe benefit funds it failed to make, and to remit to the Union dues it owed since December 1992. On December 17, 1993, the United States Court of Appeals for the Eighth Circuit entered its judgment enforcing the Board's Order.²

A controversy having arisen over the amounts due under the terms of the Board's Order, the Regional Director for Region 17 issued a compliance specification and notice of hearing on March 11, 1994, alleging the amounts due and notifying the Respondent that it must file a timely answer complying with the Board's Rules and Regulations. On May 23, 1994, pursuant to the Regional Director's extension of time for filing an answer, the Respondent filed an answer admitting paragraphs 1 through 9 of the compliance specification and stating that it was without sufficient information or belief to admit or deny paragraph 10. On June 15, 1994, the Regional Director issued an amendment to compliance specification, attaching appendices I and II which had been referred to in the compliance specification. On August 9, 1994, the Respondent filed an amended answer to compliance specification, admitting all the allegations in paragraphs 1 through 10 of the compliance specification, including appendices I and II which were incorporated into the compliance specification by the amendment to compliance specification.

On September 16, 1994, the General Counsel filed with the Board a Motion for Summary Judgment, with exhibits attached. On September 21, 1994, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the General

Counsel's motion should not be granted. The Respondent has failed to file a response. The allegations in the motion are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

On the entire record, the Board makes the following

Ruling on Motion for Summary Judgment

In its amended answer to compliance specification, the Respondent has admitted all the allegations in the compliance specification as amended. Thus, there are no issues remaining in this proceeding warranting a hearing. Accordingly, we find the computations in the compliance specification as amended to be true, and we grant the General Counsel's Motion for Summary Judgment.

ORDER

The National Labor Relations Board orders that the Respondent, KD Christian Construction Company, Inc., Kansas City, Missouri, its officers, agents, successors, and assigns, shall pay the amounts listed below, plus interest on union dues as prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), and any additional amounts owed to the funds in accordance with *Merryweather Optical Co.*, 240 NLRB 1213, 1216 fn. 7 (1979), accrued to the date of payment.

Health & Welfare Fund	\$8304.65
Pension Fund	9202.45
Apprentice/Education Fund	673.35
Supplemental Union Dues	1939.96

Dated, Washington, D.C. October 28, 1994

James M. Stephens,	Member
--------------------	--------

Dennis M. Devaney,	Member
--------------------	--------

Margaret A. Browning,	Member
-----------------------	--------

¹ 312 NLRB 1019.

² No. 93-3849 (unpublished).

(SEAL) NATIONAL LABOR RELATIONS BOARD